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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

This Document Relates To:

ALL ACTIONS

CASE NO. M-02-1486 PJH

MDL No. 1486

**STIPULATION AND [PROPOSED]  
ORDER REGARDING PROCEDURES  
GOVERNING EXPERT DISCOVERY**

Date: None

Time: N/A

Judge: The Hon. Phyllis J. Hamilton

1 The Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs and Defendants agree as follows  
2 regarding the timing and scope of any expert discovery in this case:

3 1. Within 3 business days of any party serving any expert reports and/or expert declarations  
4 in this case pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties proffering the expert witness  
5 shall produce all other documents and/or information required by Rule. 26(a)(2)(B), namely "the data  
6 or other information considered by the witness in forming the [expert's] opinions; any exhibits to be  
7 used as a summary of or support for the opinions; the qualifications of the witness, including a list of  
8 all publications authored by the witness within the preceding ten years; the compensation to be paid  
9 for the study and testimony; and a listing of any other cases in which the witness has testified as an  
10 expert at trial or by deposition within the preceding four years." "[D]ata or other information  
11 considered" shall include, but is not limited to, raw data, spreadsheets, computerized regression  
12 analyses and/or other underlying reports and schedules sufficient to reconstruct the expert's work,  
13 calculations, and/or analyses. Information can be produced electronically (via email or disc) where  
14 appropriate. Where documents have previously been produced as part of the discovery in this case, a  
15 list of such documents by Bates number is sufficient. As to other documents considered by the  
16 expert, those documents should be produced except where widely available publicly without undue  
17 expense (such as on the internet, or in major university libraries).

18 2. The following types of information shall not be the subject of discovery: (1) the content of  
19 communications among and between: (a) counsel and experts; (b) experts and other experts or  
20 consultants; and/or (c) experts and their respective staffs, and (2) notes, drafts, written  
21 communications or other types of preliminary work created by, or for, experts. The foregoing  
22 exclusions from discovery will not apply to any communications or documents upon which the  
23 experts rely as a basis for their opinions/reports.  
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3. This Stipulation shall be effective only upon agreement of both the Direct Purchaser Plaintiffs and the Indirect Purchaser Plaintiffs, as well as the Defendants.

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14 **stipulation**

15 DATED: 5/8/06  
16

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9 **Attorneys for Defendants Winbond**  
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11 **Winbond Electronics Corporation America**

12  
13 **ORDER**

14 SO ORDERED.

15 DATED: 6/12/06  
16 \_\_\_\_\_



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